

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN PARLANTE,

Plaintiff,

v.

AMERICAN RIVER COLLEGE,

Defendant.

Case No. 2:20-cv-02268-KJM-JDP (PS)

ORDER GRANTING PLAINTIFF AN  
EXTENSION OF TIME AND CONTINUING  
THE HEARING ON DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT

ECF Nos. 19 & 22

Defendant filed a motion for summary judgment, which was previously noticed for hearing on August 11, 2022. ECF No. 19. After plaintiff failed to timely respond to that motion, I ordered him to show cause by August 25, 2022, why sanctions should not be imposed for his failure to comply with the court's local rules. ECF No. 22. I also continued the hearing on defendant's motion to September 8, 2022, and ordered plaintiff to file, by no later than August 25, 2022, either an opposition or statement of non-opposition to that motion. *Id.* To date, plaintiff has not filed an opposition or statement of non-opposition to defendant's motion nor otherwise responded to the order to show cause.

However, on October 15, 2022, plaintiff notified the court that he has been experiencing difficulties receiving his mail. ECF No. 23. He also submitted a letter from the U.S. Postal Service confirming that one of its employees misplaced plaintiff's mail, only some of which has been located. *Id.* at 2. Given plaintiff's issues with receiving mail, I will continue the September 8

1 hearing and grant plaintiff an extension to respond to defendant's motion and the court's order to  
2 show cause.

3 According, it is hereby ORDERED that:

4 1. The September 8, 2022 hearing on defendant's motion for summary judgment is  
5 continued to October 5, 2022, at 10:00 a.m., in Courtroom No. 9.

6 2. By no later than September 21, 2022, plaintiff shall file a response to the August 2,  
7 2022 order to show cause and either an opposition or statement of non-opposition to defendant's  
8 motion for summary judgment. *See* ECF Nos. 19 & 22.

9 3. Defendant may file a reply to plaintiff's opposition, if any, no later than September 28,  
10 2022.

11 4. Failure to comply with this order may result in a recommendation that this action be  
12 dismissed for lack of prosecution, failure to comply with court orders, and failure to comply with  
13 local rules.

14 5. The Clerk of Court is directed to send plaintiff a copy of both defendant's motion for  
15 summary judgment, including all exhibits, and the court's August 2, 2022 order to show cause.

16 IT IS SO ORDERED.

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18 Dated: September 7, 2022

  
19 JEREMY D. PETERSON  
20 UNITED STATES MAGISTRATE JUDGE

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